

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED  
BIOCIDAL PROTEINS

the specification of which (CHECK applicable BOX(ES))

X ☐ is attached hereto.  
X ☒ was filed on January 4, 1993 as U.S. Application No. 0.8 / 002.480  
BOX(ES) ☐ was filed as PCT International Application No. PCT/ / on  
-> and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including (to the best of my ability) the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

| PRIOR FOREIGN APPLICATION(S) |               | Date first Laid-<br>open or Published | Date Patented<br>or Granted | Priority Claimed |    |
|------------------------------|---------------|---------------------------------------|-----------------------------|------------------|----|
| Number                       | Country       | Day/MONTH/Year Filed                  |                             | Yes              | No |
| 9118523.1                    | Great Britain | 29 August 1991                        |                             | X                |    |
| 9203038.6                    | Great Britain | 13 February 1992                      |                             | X                |    |
| 9213526.8                    | Great Britain | 25 June 1992                          |                             | X                |    |

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

| PRIOR U.S. OR PCT APPLICATION(S)         | Day/MONTH/Year Filed | Status                       |
|--|----------------------|------------------------------|
| Application No. (series code/serial no.) |                      | pending, abandoned, patented |
| PCT/GB92/01570                           | 27 August 1992       | Pending                      |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Cushman, Darby & Cushman, 1100 New York Avenue, N.W., Ninth Floor, Washington, D.C. 20005-3918, telephone number 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Cushman, Darby & Cushman in writing to the contrary.

|                      |       |                      |       |                    |       |                      |       |
|----------------------|-------|----------------------|-------|--------------------|-------|----------------------|-------|
| Paul N. Kokulis      | 16773 | Edward M. Prince     | 22429 | Peter W. Gowdy     | 25872 | Nancy J. Linck       | 31920 |
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| Lawrence A. Hymo     | 19057 | William T. Bullinger | 25503 | Chris Comuntzis    | 31097 | Mary J. Wilson       | 32955 |
| Edgar H. Martin      | 20534 | Donald J. Bird       | 25323 | Wallace G. Walter  | 27843 |                      |       |
| William K. West, Jr. | 22057 | W. Warren Taltavull  | 25647 | Lawrence Harbin    | 27644 |                      |       |
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(FOR ADDITIONAL INVENTORS, check box ☒ and attach sheet (CDC-116.2) for same information for each re signature, name, date, citizenship, residence and address.)

## DECLARATION AND POWER OF ATTORNEY

(continued)

## ADDITIONAL INVENTORS:

- 5) INVENTOR'S SIGNATURE Franky Raymond Gerard Terras Date 8 March 1993  
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- 10) INVENTOR'S SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_  
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 Residence (City) \_\_\_\_\_ (State/Foreign Country) \_\_\_\_\_  
 Post Office Address (Include Zip Code) \_\_\_\_\_

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.

37 C.F.R. 1.56(a) (Rule 56(a))  
**PATENT AND TRADEMARK CASES - RULES OF PRACTICE**  
**DUTY OF DISCLOSURE**

- (a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material when there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

PATENT LAWS 35 U.S.C.

**§ 102. Conditions for patentability; novelty and loss of right to patent**

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**§ 103. Condition for patentability; non-obvious subject matter**

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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\* Six months for Design Applications (35 U.S.C. 172).